



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andres Guillemard, Esq.
Nachman & Guillemard, PSC.
PO Box 9949
San Juan, PR 00908

JUL 25 2018

RE: MUR 7270
Comite Pierluisi and Hector Del Rio
Jimenez in his official capacity as treasurer

Dear Mr. Guillemard:

On July 19, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30116(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Camilla Jackson Jones
Camilla Jackson Jones
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Comite Pierluisi, Inc.) MUR 7270
and Hector Del Rio Jimenez in his)
official capacity as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Comite Pierluisi, Inc. and Hector Del Rio Jimenez in his official capacity as treasurer (the "Committee" or "Respondents"), violated 52 U.S.C. § 30116(f), a provision of the Federal Election Campaign Act of 1971, as amended, (the "Act").

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 1. The Committee is the principal campaign committee for Pedro

Pierluisi, a candidate for re-election as Puerto Rico's Resident Commissioner, a non-

voting member to the U.S. House of Representatives, during the 2016 election cycle.

2. Pierluisi declared his candidacy for Governor of Puerto Rico on November 15, 2015, and he was not a candidate for re-election as Resident Commissioner in the general election.

3. Hector Del Rio Jimenez is the treasurer of the Committee.

4. During the 2016 election cycle, an authorized committee was limited to accepting a total of \$2,700 per election from any individual and \$5,000 from a multicandidate committee. 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A); 11 CFR §§ 110.1(a)-(b), 110.2(b)(1). A primary election and a general election are each considered a separate "election," and the contribution limits are applied separately with respect to each election. 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2, 110.1, 110.2. Candidates and political committees are prohibited from knowingly accepting excessive contributions. 52 U.S.C. § 30116(f); 11 C.F.R. § 110.9.

5. The Commission's regulations permit a candidate or his authorized committee to receive contributions for the general election prior to the primary election. *See* 11 C.F.R. § 102.9(e)(1).

6. If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such contributions in accordance with 11 C.F.R. § 110.1(k)(3). *See* 11 C.F.R. § 102.9(e)(3). The committee must do so within 60 days of the date that the committee has actual notice of the need to redesignate, reattribute, or refund the contributions, such as the date the candidate loses the primary or withdraws from the campaign.

7. Redesignation of general election contributions may only occur to the extent that the amount redesignated does not exceed the contributor's contribution limit for the primary and the amounts redesignated do not exceed the net debts outstanding from the primary. *See* 11 C.F.R. §§ 110.1(b)(5)(iii) and (b)(3)(i), 110.2(b)(5)(iii) and (b)(3)(i). Likewise, reattribution of a general election contribution may only occur to the extent that such attribution does not exceed the contributor's contribution limits. *See* 11 C.F.R. § 110.1(k)(3)(ii)(B)(1).

8. The Committee accepted \$13,000 in excessive primary election contributions that it has not refunded.

9. The Committee accepted \$75,823.21 in general election contributions that it has not refunded.

V. Respondents violated 52 U.S.C. § 30116(f) by failing to refund primary election and general election contributions, which resulted in Respondents accepting excessive contributions.

VI. Respondents will take the following actions:

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Fifteen Thousand Dollars (\$15,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from violating 52 U.S.C. § 30116(f).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

BY: Kathleen M. Guith
Kathleen M. Guith
Associate General
Counsel for Enforcement

7/29/18
Date

FOR THE RESPONDENTS:

DMW
Name DMW
Position Treasurer

6-20-18
Date